IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5850 OF 2001

Maharshi Shinde Vidhya Mandir, Wai ..Petitioner

Vs.

1. Shri Vishwanath Atmaram Charegaonkar & Anr. ..Respondents

Mr.N.V.Walawalkar i/b G.H.Keluskar for the petitioner

Mr.Vivek Salunke i/b P.B.Shah for respondent no.1

**CORAM : A.P.DESHPANDE, J**

**DATED : 15TH DECEMBER, 2006**

P.C.:

1. The present applicant's land was acquired under the provisions of the Land Acquisition Act. Dissatisfied by the amount of compensation determined by the Land Acquisition Officer, the applicant moved an application under section 18 of the Land Acquisition Act and a reference came to be partly allowed by holding that compensation awarded by the Special Land Acquisition Officer was inadequate and Civil Court enhanced the amount of compensation, which amount the applicants withdrew.

2. The State Government preferred the first appeal in this court challenging the reference award. The first appeal came to be allowed and reference award was set aside and the matter was remanded back. In view of the fact that the applicant had, by then, withdrew the amount, the applicant owner of the land was directed to deposit the enhanced amount of compensation awarded by the Reference court within three months from the date of judgment.

3. The date of judgment in the first appeal is 8.8.00 There had been some delay in deposit of the amount and the trial court has condoned the delay and permitted the applicant to deposit the amount.

4. In this fact situation, the applicant has filed the present application seeking extension of time with a view to see that there is not even a technical breach of the order passed by this court. Whereas writ petition no.5850 of 2001 is filed by acquiring body challenging the order passed by the reference court condoning the delay in depositing

the amount by the land owner. In this fact situation, it is crystal clear that the order passed by the trial court is justified. The applicant has already deposited the amount long back. In the result as there is no merit in the writ petition, same is dismissed in limine. Civil Application no.5382 of 2005 seeking extension of time is allowed and disposed of.

**( SHRI A.P.DESHPANDE, J )**